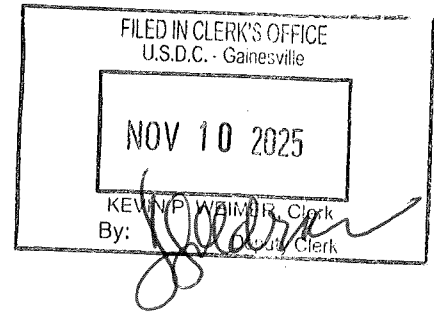


FREDERICK O. SILVER
21905 MOUNTAIN HWY E. UNIT 4143,
SPANAWAY, WA 98387-758
E-mail: ASCLV1@gmail.com
Tel: (702) 473-0365



THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA.
ATLANTA DIVISION.

FREDERICK O. SILVER
Plaintiff,

vs.

NATIONAL CREDIT SYSTEMS, INC.
Defendant.

CASE NO: 1:24-CV-03238-SCJ-JCF

District Judge: Steve C Jones

Magistrate Judge: Anna W. Howard

**PLAINTIFF'S MOTION TO COMPEL DEFENDANT TO CEASE CREDIT
REPORTING PENDING LITIGATION.**

I. INTRODUCTION

Plaintiff Frederick O. Silver respectfully moves this Court to order Defendant National Credit Systems, Inc. ("NCS") to cease furnishing or reporting the alleged debt to consumer reporting agencies while this litigation is pending.

II. ARGUMENT

1. Under 15 U.S.C. §1692g(b), a debt collector must cease all collection activity until validation is provided after a written dispute. Courts recognize that furnishing information to credit reporting agencies constitutes collection

- 1 activity. *Edeh v. Midland Credit Mgmt.*, 748 F. Supp. 2d 1030 (D. Minn. 2010),
2 *aff'd* 413 F. App'x 925 (8th Cir. 2011).
- 3 2. Under 15 U.S.C. §1692e(8), it is unlawful to communicate credit information
4 that is known or should be known to be false, including failure to
5 communicate that a debt is disputed.
- 6 3. Under 15 U.S.C. §1681s-2(b), furnishers must conduct a reasonable
7 investigation of disputed debts and cease reporting inaccurate information.
8 *Gorman v. Wolpoff & Abramson*, 584 F.3d 1147 (9th Cir. 2009).
- 9 4. Despite Plaintiff's disputes and the pendency of this lawsuit, Defendant
10 continues to furnish the alleged debt as a valid collection account, causing
11 ongoing harm to Plaintiff's creditworthiness.
- 12 5. Defendant's refusal to cease reporting the alleged debt demonstrates the
13 precise abusive collection tactic that Congress intended to prevent under the
14 FDCPA. By continuing to furnish this account while Plaintiff's dispute and this
15 litigation are pending, Defendant is leveraging credit reporting as a weapon to
16 coerce payment on a debt that Plaintiff does not owe. Courts recognize that
17 furnishing information to consumer reporting agencies constitutes collection
18 activity. **Edeh v. Midland Credit Mgmt., Inc.**, 748 F. Supp. 2d 1030, 1038-39
19 (D. Minn. 2010), *aff'd*, 413 F. App'x 925 (8th Cir. 2011). The continued
20 reporting here is not an innocent mistake, but a deliberate pressure tactic
21 designed to damage Plaintiff's creditworthiness and force settlement. Such
22 conduct is unfair, deceptive, and unlawful under both the FDCPA, 15 U.S.C.
23 §§ 1692g(b), 1692e(8), and the FCRA, 15 U.S.C. § 1681s-2(b).

24 25 **III. RELIEF REQUESTED**

26 Plaintiff respectfully requests that this Court:
27
28

1. Order Defendant NCS to immediately cease furnishing the alleged debt to consumer reporting agencies pending the resolution of this action;
2. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: this 3rd Day of November 2025.



FREDERICK O. SILVER
21905 MOUNTAIN HWY E, UNIT 4143,
SPANAWAY, WA 98387-758
E-MAIL: ASCLV1@GMAIL.COM
TEL: (702) 473-0365

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was mailed to the Clerk of Court United States District Court for the Northern District of Georgia at the address listed below: US District Court Clerk: 121 Spring Street SE Room 201, Gainesville, GA 30501-3789 and served on Katrina DeMarte, DeMarte Law, PLLC 39555 Orchard Hill Pl. Ste 600 / PMB 6338 Novi, MI 48375. Attorney for Defendant National Credit Systems, Inc. via the Court efile system.

On this 3rd day of November 2025



FREDERICK O. SILVER
21905 MOUNTAIN HWY E, UNIT 4143.
SPANAWAY, WA 98387-758
E-MAIL: ASCLV1@GMAIL.COM
TEL: (702) 473-0365

FREDERICK SILVER
21905 MOUNTAIN HWY E UNIT 4143,
SPANAWAY, WA 98387-7583
E-mail: ASCLV1@gmail.com
Tel: (702) 473-0365

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA.
ATLANTA DIVISION.

FREDERICK SILVER
Plaintiff,

vs.

NATIONAL CREDIT SYSTEMS, INC.;
MID-AMERICA APARTMENT
COMMUNITIES, INC., A Brad Hill as CEO,
A CLAY HOLDER as CFO,
LESLIE WOLFGANG as Secretary.
Defendants.

CASE NO: 1:24-cv-03238

District Judge: Steve C Jones

Magistrate Judge: Anna W. Howard

DECLARATION OF FREDERICK O. SILVER.

I, Frederick O. Silver, declare:

1. I am the Plaintiff, proceeding pro se.
2. Defendant's **Dkt. 61** references "deemed admissions" and alleged failures to respond to interrogatories/requests for production; however, the **actual discovery instruments and proofs of service are not on the docket.**
3. On October 30, 2025, Defendant also filed **Exhibit A** (state-court records) and **Exhibit B** (account statement) with its response, but these are not the discovery instruments at issue in the upcoming conference.
4. Having the discovery materials on the docket will aid the Court's review at the **Nov. 20, 2025** Zoom conference.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: this 3rd Day of November 2025.



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On this 3rd day of November 2025



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